

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES VERDEL FARNSWORTH

Plaintiff,

V.

PIERCE COUNTY SHERIFF *et al.*,

Defendants.

Case No. C04-5780RBL

REPORT AND RECOMMENDATION

**NOTED FOR:
January 13th, 2006**

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). On August 9th, 2005 the court revoked plaintiff's *in forma pauperis* status. (Dkt. # 61). Plaintiff has received multiple strikes and cannot proceed *in forma pauperis* unless he is in imminent danger of serious physical injury. The court gave plaintiff until September 9th, 2005 to pay the filing fee. Plaintiff did not pay the filing fee and appealed the courts order to the ninth circuit. (Dkt. # 62). On November 18th, 2005 the court of appeals dismissed the appeal on plaintiff's motion. The filing fee remains unpaid. The court now recommends dismissal of this action without prejudice for failure to pay the filing fee. A proposed order accompanies this Report and Recommendation.

REPORT AND RECOMMENDATION- 1

1 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the
2 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed.
3 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
4 appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule
5 72(b), the clerk is directed to set the matter for consideration on **January 13th, 2006**, as noted in the
6 caption.

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9 DATED this 22nd day of December, 2005.

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/S/ J. Kelley Arnold

J. Kelley Arnold

United States Magistrate Judge

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